



## Board of Adjustment Case Report

City of Raleigh  
Department of City Planning  
One Exchange Plaza  
Raleigh, NC 27601  
(919) 996-2626  
www.raleighnc.gov

**Case File:** A-53-16

**Property Address:** 304 Brooks Avenue

**Property Owner:** Gregory and Eleanor Rice

**Project Contact:** Gregory Rice

**Nature of Case:** A request for a .3' side yard setback to legalize the existing detached house and a .09' side yard setback variance pursuant to Section 2.2.1. of the Part 10A Unified Development Ordinance to allow for an addition to the rear of the existing detached house that results in a 4.7' side yard setback for the existing dwelling and a 4.91' side yard setback for the proposed addition on a .28 acre property zoned Residential-6 and Special Residential Parking Overlay District and located at 304 Brooks Avenue.



**304 Brooks Avenue – Location Map**

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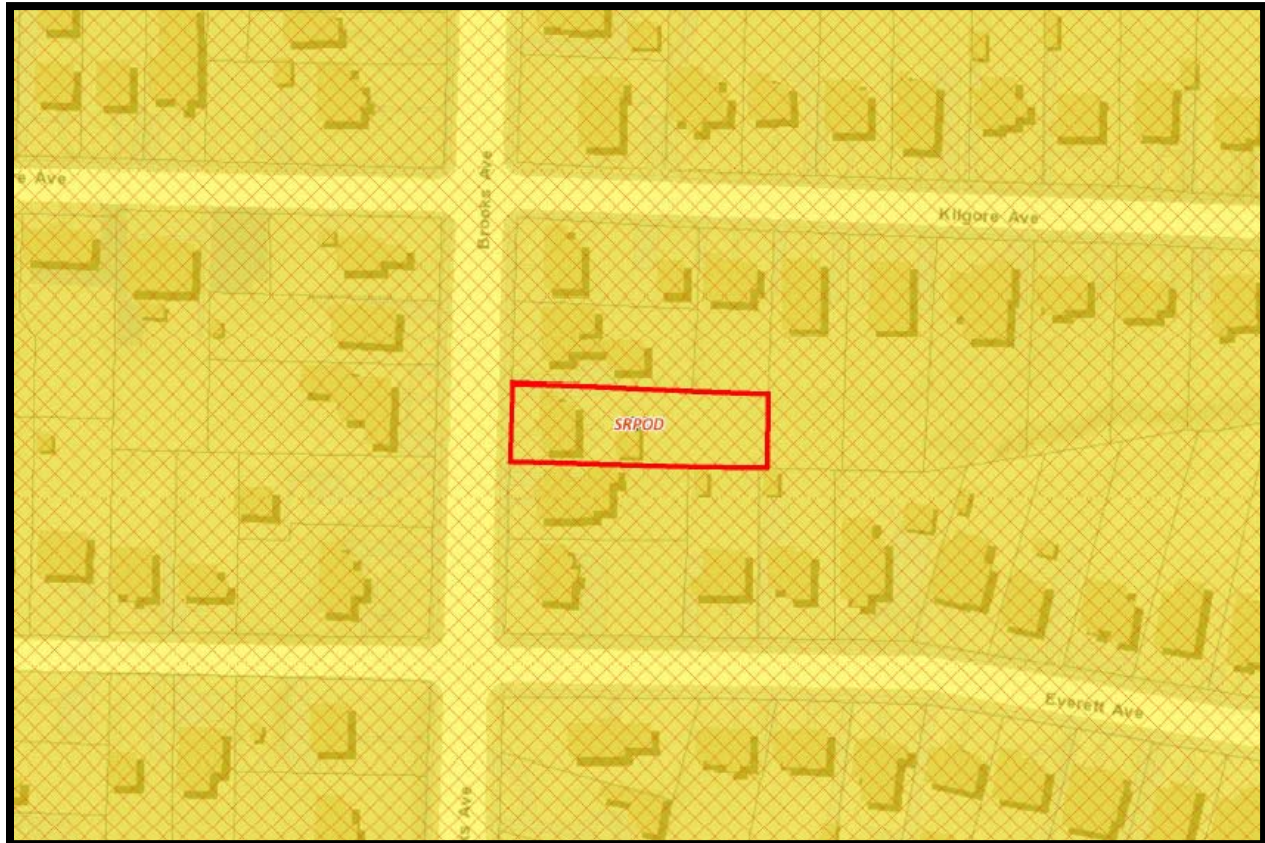
**To BOA:** 5-9-16

**Staff Coordinator:** Eric S. Hodge, AICP

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**ZONING**

**DISTRICTS:** Residential-6 and Special Residential Parking Overlay District



**304 Brooks Avenue – Zoning Map**

**VARIANCE STANDARDS:** In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

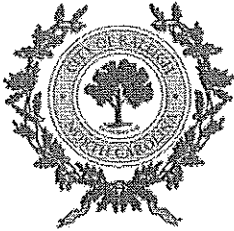
1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

**Setback Standards:** The subject property is zoned Residential-6

<b><u>Yard Type</u></b>	<b><u>Minimum Setback</u></b>
Front Yard	10'
Side Street	10'
Side	5'
Sum of Side Setbacks	15'
Rear	20'





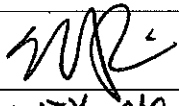
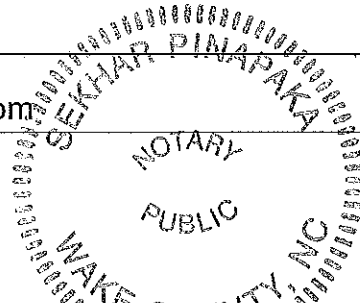
# Planning & Development

Development Services  
Customer Service Center  
One Exchange Plaza  
1 Exchange Plaza, Suite 400  
Raleigh, North Carolina 27601  
Phone 919-996-2495  
Fax 919-516-2685

A-53-16

## Variance Application

OFFICE USE ONLY	
Nature of variance request (Submit addendum on separate sheet, if more space is needed.) Please refer to attached sheet for detailed description.	Transaction Number
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number. Pre-submittal conference with Eric Hodge via email and phone on March 21, 2016.	

GENERAL INFORMATION		
Property Address 304 Brooks Avenue, Raleigh, NC 27607-7131	Date April 6, 2016	
Property PIN 0794.15-73-1527	Current Zoning R-6	
Nearest Intersection Kilgore Avenue	Property size (in acres) 0.28	
Property Owner RICE, GREGORY G & ELEANOR S	Phone 919-696-3986	Fax
	Email squaretiles@gmail.com	
Project Contact Person Gregory Rice	Phone 919-696-3986	Fax
	Email squaretiles@gmail.com	
Property Owner Signature 	Email squaretiles@gmail.com	
Notary WAKE COUNTY, NC	Notary Signature and Seal 	
Sworn and subscribed before me this <u>7</u> day of <u>April</u> , 20 <u>16</u>	My Commission Expires: 4-7-2016	

It is improper to contact any member of the Board of Adjustment prior to the disposition of a case to discuss the request. A variance application will not be considered complete until all required submittal components listed on the Variance Checklist have been received and approved.

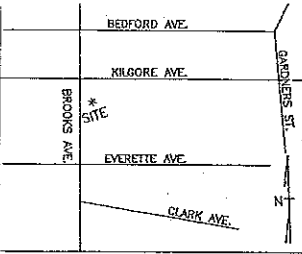
**Nature of Variance Request:**

Gregory and Eleanor Rice own an existing non-conforming single family dwelling, constructed in 1941 at 304 Brooks Avenue, zoned R-6. The aggregate distance at this property between both side yard property lines and the structure is 22.9'; however, one side yard currently encroaches on the 5.0' setback requirement. The request for this variance is twofold:

1. To legalize the existing dwelling unit. Existing single family dwelling is located between 4.7' and 4.91' from south property line (side yard). The owner is asking for the difference of 0.3' and 0.09' to be legalized. The setback required between the property line and the house is 5.0'. Please refer to the attached plot plan.

2. To provide for a rear building (east side of structure/ back yard) expansion. The proposed addition takes the existing dwelling straight back to the rear (east). At the corner of the structure that is 4.91' from property line, the building continues straight back to a point which, at its end, is 5.0' from property line. The owner is asking for the difference between 0.09' and 0.00' to be legalized for the new addition. The new addition does not encroach on the existing backyard property line setback. Please refer to the attached plot plan. The proposed addition is shown on the plot plan.

It is the owner's opinion that unnecessary hardship would result from strict application of the ordinance.



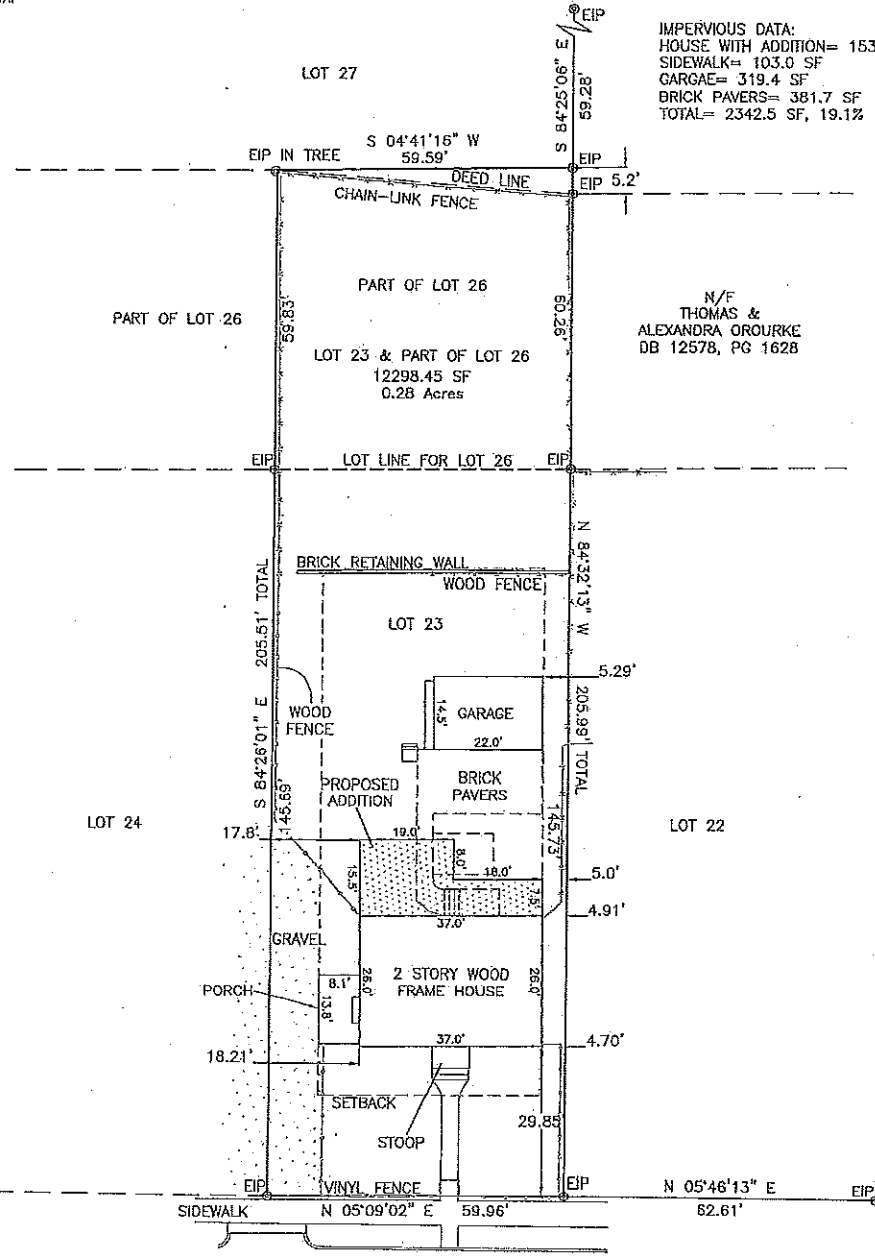
PROPERTY OF:  
 GREGORY & ELEANOR RICE  
 LOT 23 & PART OF LOT 26 CRAWFORD SUBDIVISION  
 PIN: 0794.15-73-1527

ADOPTED PLAT NORTH(MAGNETIC)  
 DB 14410, PG 621

- NOTE:
1. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
  2. PROPERTY SUBJECT TO ALL EASEMENTS OF RECORD THAT A TITLE SEARCH MAY IDENTIFY.
  3. SURVEY PERFORMED WITHOUT TITLE SEARCH.
  4. ALL DASHED LINES REPRESENT LINES NOT SURVEYED.
  5. AREA DETERMINED BY COORDINATE METHOD.
  6. ALL BUILDING DIMENSIONS BASED ON EXTERIOR WALL MEASUREMENTS.
  7. NOTE THE DEED LINE DIFFERS FROM CORNER FOUND.

REFERENCES:  
 DB 14410, PG 621  
 BM 1924, PG 22  
 BM 1947, PG 124

IMPERVIOUS DATA:  
 HOUSE WITH ADDITION= 1538.4 SF  
 SIDEWALK= 103.0 SF  
 GARGAE= 319.4 SF  
 BRICK PAVERS= 381.7 SF  
 TOTAL= 2342.5 SF, 19.1%



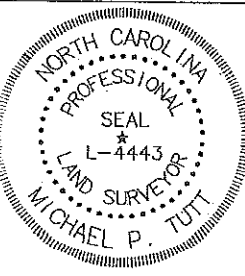
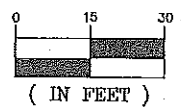
**LEGEND:**  
 @IPS IRON PIPE SET  
 @EIP EXISTING IRON PIPE  
 Δ NO POINT SET

**BROOKS AVENUE**  
 60' PUBLIC RIGHT OF WAY  
 BM 1947, PG 124

NOT FOR SALES OR CONVEYANCES, PERMITTING ONLY.

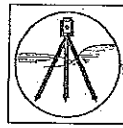
SITE LOCATION: 304 BROOKS AVENUE  
 RALEIGH, NC 27607

TOWNSHIP: RALEIGH	ZONED: R-6
SCALE: 1"= 30'	DATE OF SURVEY: 3-7-16
JOB #: 16_119	COUNTY: WAKE



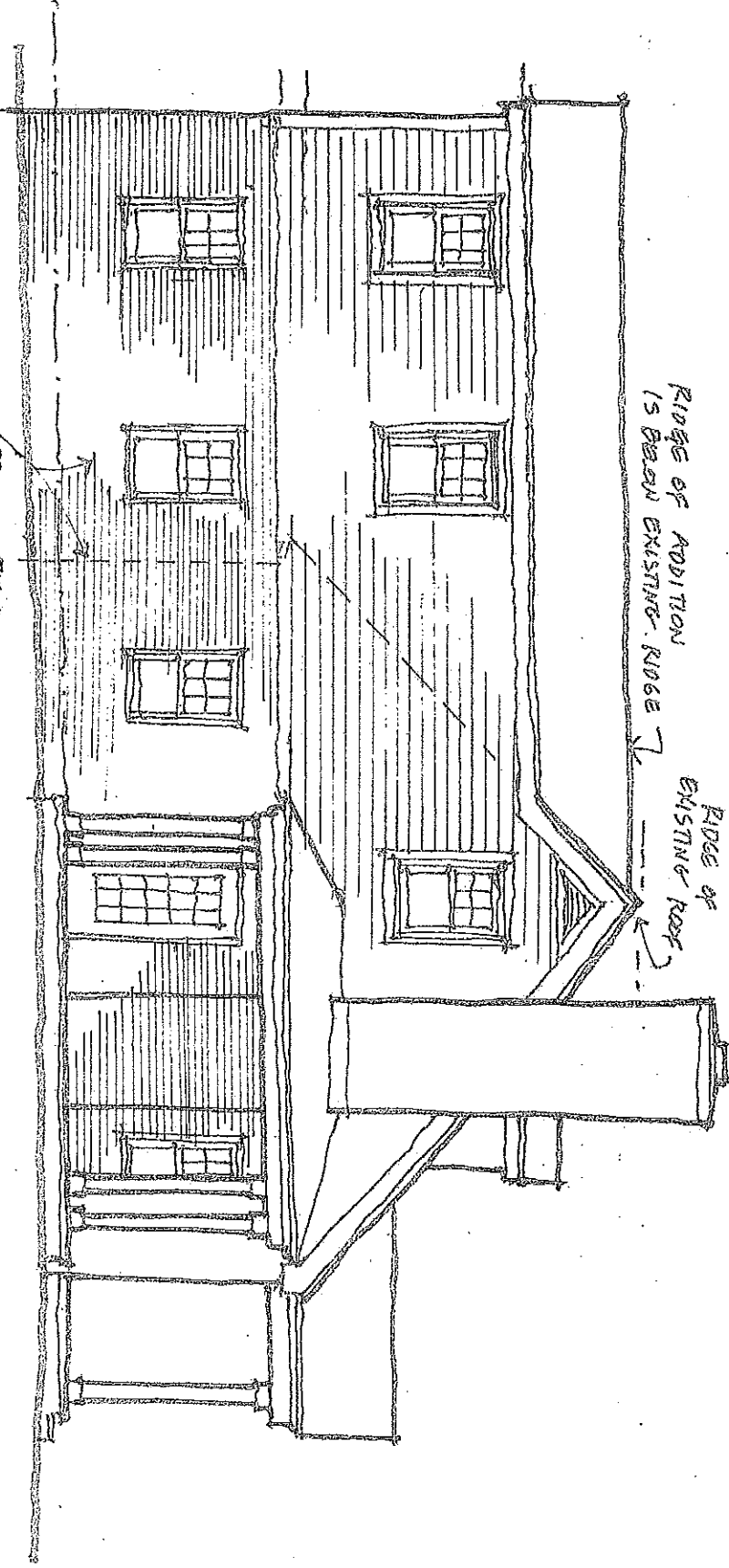
I, MICHAEL PRESTON TUTT, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY AND FROM REFERENCES NOTED; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION AS NOTED. RATIO OF PRECISION BEFORE ADJUSTMENTS 1:13,000 WITNESS MY ORIGINAL SIGNATURE, MARCH 8, A.D., 2016.

*Michael P. Tutt*  
 MICHAEL P. TUTT, PLS L-4443



ANGLE RIGHT  
 LAND SURVEYING, PLLC  
 SURVEYING THE PAST AND THE FUTURE TODAY  
 919-810-4324  
 NC LIC. # P-0446

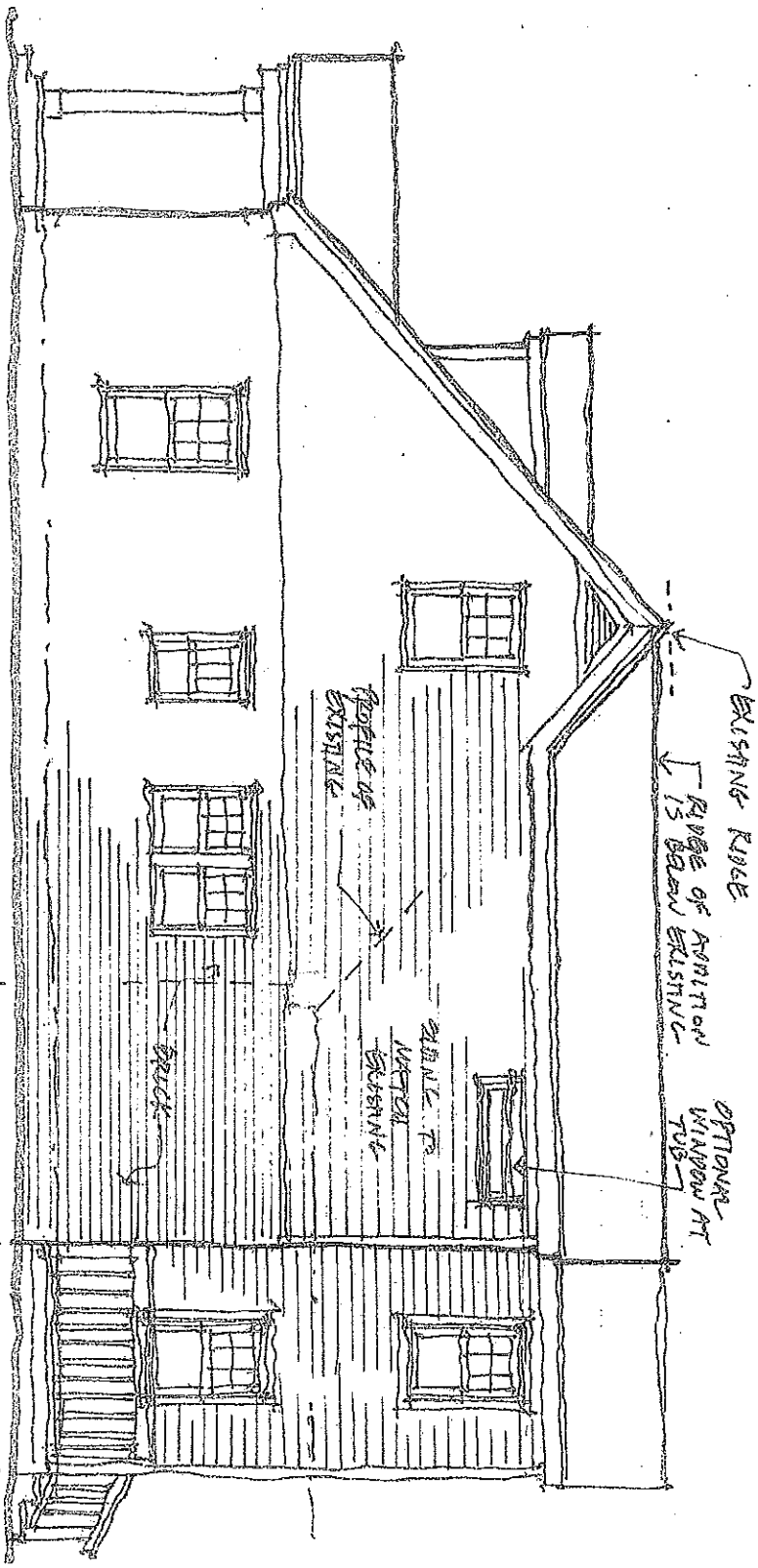
603 HARDING STREET  
 RALEIGH, NC 27604



LEFT SIDE ELEVATION  
(North / side yard)

ADDITION TO  
RICE RESIDENCE  
304 BRADLEY AVE





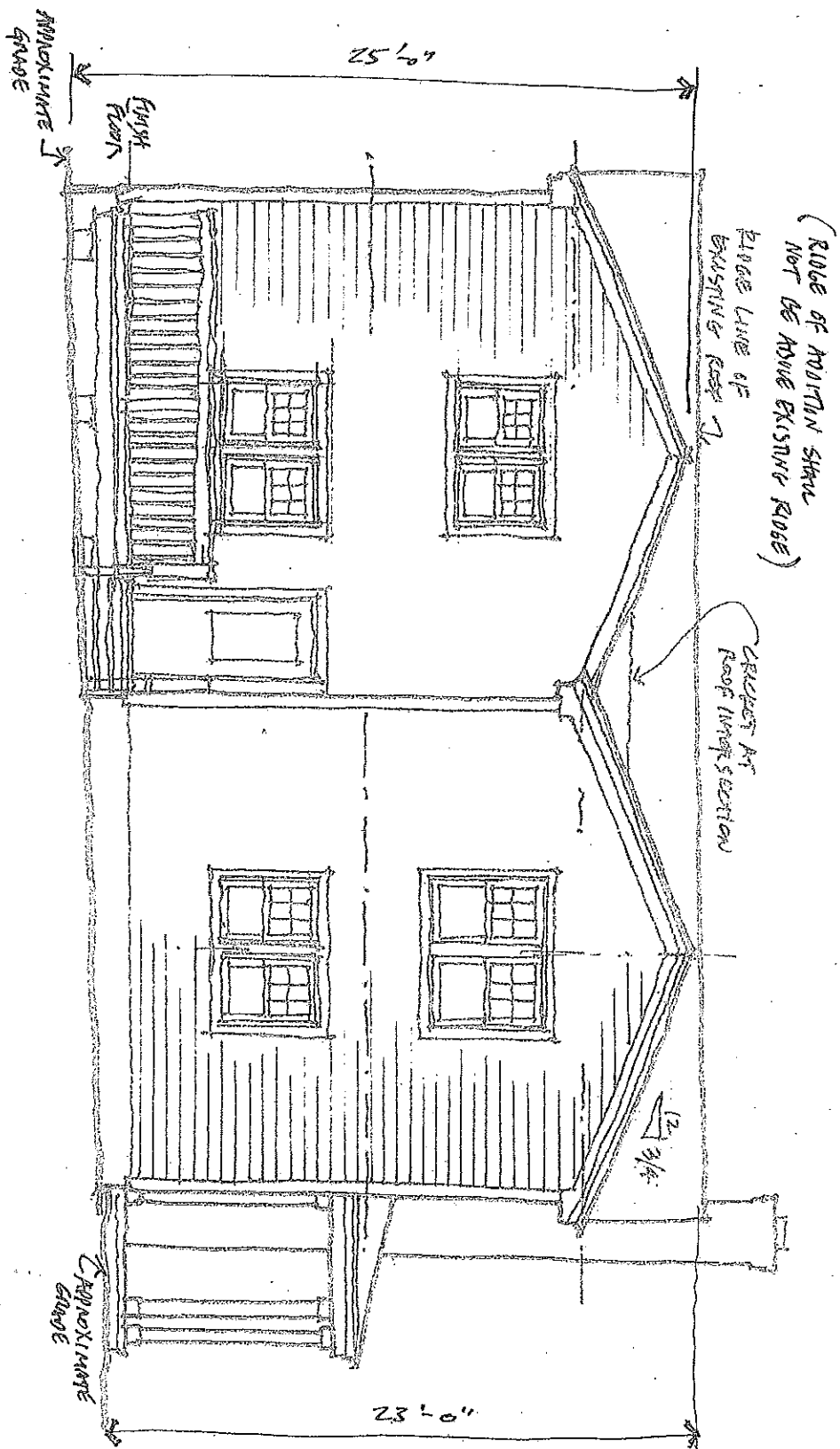
**RIGHT SIDE ELEVATION**

(South (side yard))

KITCHEN  
ADDITION  
(Master Bath  
above)

ON ADDITION  
BEYOND  
(Master Bedroom  
above)

ADDITION TO  
RUE RESIDENCE  
304 Brooks Ave



ADDITION TO  
RUE RESIDENCE  
304 BROOKS AVE


[Home](#)

## Wake County Real Estate Data Account Summary

[iMaps](#)
[Tax Bills](#)
Real Estate ID **0194007** PIN # **0794731527**
[Account Search](#)
Location Address  
**304 BROOKS AVE**Property Description  
**LO23 & PT LT 26 CRAWFORD SUB BM1924-00022**
[Pin/Parcel History](#) [Search Results](#) [New Search](#)
[NORTH CAROLINA](#) [Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)


Property Owner <b>RICE, GREGORY G &amp; ELEANOR S</b> (Use the Deeds link to view any additional owners)		Owner's Mailing Address <b>304 BROOKS AVE</b> <b>RALEIGH NC 27607-7131</b>	Property Location Address <b>304 BROOKS AVE</b> <b>RALEIGH NC 27607-7131</b>
<b>Administrative Data</b> Old Map # -- Map/Scale <b>0794 15</b> VCS <b>01RA294</b> City <b>RALEIGH</b> Fire District Township <b>RALEIGH</b> Land Class <b>R-&lt;10-HS</b> ETJ <b>RA</b> Spec Dist(s) Zoning <b>R-6</b> History ID 1 History ID 2 Acreage <b>.28</b> Permit Date Permit #		<b>Transfer Information</b> Deed Date <b>7/22/2011</b> Book & Page <b>14410 0621</b> Revenue Stamps <b>720.00</b> Pkg Sale Date <b>7/22/2011</b> Pkg Sale Price <b>\$360,000</b> Land Sale Date Land Sale Price  <b>Improvement Summary</b> Total Units <b>1</b> Recycle Units <b>1</b> Apt/SC Sqft Heated Area <b>1,443</b>	<b>Assessed Value</b> Land Value Assessed <b>\$168,300</b> Bldg. Value Assessed <b>\$193,395</b>  Tax Relief  Land Use Value Use Value Deferral Historic Deferral Total Deferred Value  Use/Hist/Tax Relief Assessed Total Value <b>\$361,695</b> Assessed*

\*Wake County assessed building and land values reflect the market value as of January 1, 2016, which is the date of the last county-wide revaluation. Any inflation, deflation or other economic changes occurring after this date does not affect the assessed value of the property and cannot be lawfully considered when reviewing the value for adjustment.

The January 1, 2016 values will remain in effect until the next county-wide revaluation. Until that time, any real estate accounts created or new construction built is assessed according to the 2016 Schedule of Values.

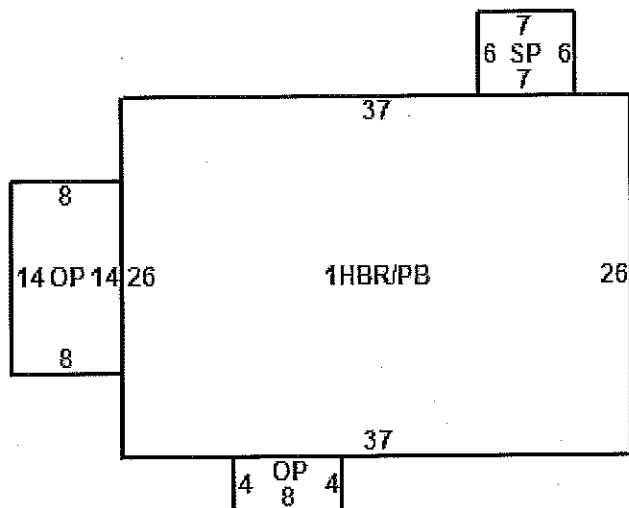
For questions regarding the information displayed on this site, please contact the Revenue Department at [RevHelp@wakegov.com](mailto:RevHelp@wakegov.com) or call 919-856-5400.

Real Estate ID **0194007**PIN # **0794731527**Account  
SearchLocation Address  
**304 BROOKS AVE**Property Description  
**LO23 & PT LT 26 CRAWFORD SUB BM1924-00022**[Pin/Parcel History](#) [Search Results](#) [New Search](#)[Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)

Building Location Address		Building Description	Card 01 Of 01	
<b>304 BROOKS AVE</b>		<b>01RA294</b>		
Bldg Type	<b>01 Single Family</b>	Year Blt <b>1941</b>	Eff Year <b>1995</b>	Base Bldg Value <b>\$135,559</b>
Units	<b>1</b>	Addns	Remod	Grade <b>B+10 130%</b>
Heated Area	<b>1,443</b>	Int. Adjust.	<b>BSMT-Unfinished</b>	Cond % <b>A 88%</b>
Story Height	<b>1.5 Story</b>	Other	<b>One Fireplace</b>	Market Adj. <b>F 120%</b>
Style	<b>Conventional</b>	Features		Market Adj.
Basement	<b>20% Partial Bas</b>			Accrued % <b>106%</b>
Exterior	<b>Brick</b>			Incomplete Code
Const Type				<b>Card 01 Value \$193,395</b>
Heating	<b>Central</b>			All Other Cards
Air Cond	<b>Central</b>			Land Value Assessed <b>\$168,300</b>
Plumbing	<b>2 BATH</b>			Total Value Assessed <b>\$361,695</b>

Main and Addition Summary					Other Improvements				
Story	Type	Code	Area	Inc	Units	DesItem	Code	Year %ADJ	Inc Value
M	1H	BR/PB	962		22X14	SF GARFR	0307	1950 50	4730
A	OP	R	112		22X14	SF CARPORT	0167	1950 50	2570
B	SP	S	42						
C	OP	R	32						
D									
E									
F									
G									
H									

Building Sketch

Photograph  
2/10/2013

0194007 02/10/2013